

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

2-3-16

COMMITTEE ON JUDICIARY

Report of Regular Meeting
Wednesday, February 3, 2016
House Hearing Room 3 -- 10:00 a.m.

Convened 10:10 a.m.

Recessed

Reconvened

Adjourned 10:54 a.m.

Members Present

Mr. Frieze
Mr. Hale
Mr. Kern
Mr. Mesnard
Mr. Borrelli, Vice-Chairman
Mr. Farnsworth, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak


Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
HB2030	DP	4-1-1-0	3, 4
HB2154	DPA	6-0-0-0	5, 6, 7
HB2183	DP	6-0-0-0	8, 9
HB2383	DPAS/E	6-0-0-0	10, 11, 12
HB2419	DPA	6-0-0-0	13, 14, 15
HB2446	HELD		
COMMITTEE ATTENDANCE			16


Jan Mullenau, Chairman Assistant
February 3, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

COMMITTEE ON JUDICIARY
Wednesday, February 3, 2016

Convened 10:10 am
adjourned 10:54 am

REVISED - 02/01/16

REVISED - 02/01/16

REVISED - 02/01/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON JUDICIARY

DATE Wednesday, February 3, 2016

ROOM HHR 3

TIME 10:00 A.M. NOTE TIME
CHANGE
~~9:00 A.M.~~

Members:

Mr. Frieze
Mr. Hale

Mr. Kern
Mr. Mesnard

Mr. Borrelli, Vice-Chairman
Mr. Farnsworth E, Chairman

Bills	Short Title	Strike Everything Title
HB2030	<u>dp</u> liquor premises; firearms; retired officers (Borrelli)	
	<u>4-1-1-0</u> JUD, RULES	
HB2154	<u>dp</u> failure to appear; arrest; fingerprinting (Borrelli; Boyer, Carter, et al)	
	<u>6-0-0-0</u> JUD, RULES	
HB2419	<u>dp</u> stalking; offense; definitions (Farnsworth E)	
	<u>6-0-0-0</u> JUD, RULES	
HB2446	<u>held</u> prohibited weapon; definition; exclusions (Livingston, Barton, Borrelli, et al)	
	<u> </u> JUD, RULES	

ADDENDUM #1 - 02/01/16

HB2183 dp inmate body scans; contraband
(Shope, Borrelli)

6-0-0-0 JUD, RULES

Bills	Short Title	Strike Everything Title
HB2383	supreme court; reports; website posting <i>Opas/E</i> (Farnsworth E) <i>6-0-0-0</i> JUD, RULES	S/E: public records; law enforcement

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jm
4/28/16
2/1/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Judiciary (2/3/2016)

HB2030, liquor premises; firearms; retired officers

Support:

William Simotti, representing self; Willie Stubbs, representing self; Michael Berryman, representing self; Isaac Hung, representing self; Gary Christensen, AZ State Rifle & Pistol Assoc, AZ STATE RIFLE & PISTOL ASSN

Neutral:

William Batchelor, representing self; Richard Segui, representing self

Oppose:

Karen Peters, representing self; Dawn Tripp, representing self; Shelley Altenstadter, representing self

All Comments:

William Simotti, Self: Do not accept hostile amendments.; Dawn Tripp, Self: No-one but active-duty law enforcement should be allowed to carry onto the property of businesses that serve alcohol.; Willie Stubbs, Self: The bill should include all retired LEOs who have been issued a LEOSA certificate law P.L. 108-277 not just section 1303112 certified officers. An AZ academy rookie has more rights than a retired NYC or LA cop.; Gary Christensen, AZ STATE RIFLE & PISTOL ASSN: Urge support for this reasonable measure to enhance existing statute.; Shelley Altenstadter, Self: Already covered in statute. Just dumb to cause or create bills the conflict with statute.

HB2154, failure to appear; arrest; fingerprinting

Testified in support:

Jerry Landau, Arizona Judicial Council

Support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; Andrew LeFevre, Arizona Criminal Justice Commission; kathleen mayer, Pima County Attorney's Office; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; Jen Marson, AZ ASSOCIATION OF COUNTIES

HB2419, stalking; offense; definitions

Testified in support:

Will Munsil, Maricopa County Attorney's Office

Support:

Dianne Post, representing self; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; kathleen mayer, Pima County Attorney's Office; Isaac Hung, representing self; Jeff Sandquist, Big I; Kellie MacDonald-Evoy, representing self

All Comments:

kathleen mayer, Pima County Attorney's Office: this bill modernizes the statute to conform with the conduct we are seeing in our communities

HB2446, prohibited weapon; definition; exclusions

Support:

John Wentling, Vice President, Arizona Citizens Defense League; William Simotti, representing self; Thomas Woodrow, representing self; Jose Borrajero, representing self; Eric Orrill, representing self; Frederick Dahnke, representing self; Todd Rathner, Arizona State Rifle And Pistol Association; William Batchelor, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Michael Malo, representing self; Matt Nelson, representing self; GEORGE MARSHALL, representing self; JUDITH MARSHALL, representing self; Cosme Borunda, representing self; Purdy Hart, representing self; Dumoan Lee, representing self; Konrad Szelock, representing self; Clyde Ingalsbe, representing self; Ray Ewers, representing self; John Baunoch, representing self; martha hayes, representing self; Andrew Cyr, representing self; Joyce Hill, representing self; Terry Hill, representing self; Michael Berryman, representing self; Janelle Solomon, representing self; Philip Hubacek, representing self; todd hills, representing self; John Parker, representing self; Jonathan Zuess, representing self; Jason Corbett, representing self; Richard Segui, representing self; Tom Holding, representing self; Philip Cirelli, representing self; Darrell Collins, representing self; James Collins, representing self; Carlton Baxter, representing self; Jack Wilborn, representing self; Jim Dutton, representing self; Richard Hofelich, representing self; Maurice Horner, representing self; Thomas Boza, representing self; Todd Chesney, representing self; Craig Corbin, representing self; Jere Fredenburgh, representing self; Dirk Patton, representing self; David West, representing self; steve beckman, representing self; David Shreeve, representing self; Scott Lolmaugh, representing self; Robert Carbonneau, representing self; John Semon, representing self; Mike Sullivan, representing self; J.P. Thom-Gronachan, representing self; Robert Anderson, representing self; Richard Musser, representing self; Drake Mitchell, AZ CITIZENS DEFENSE LEAGUE INC; Shawn T Waldmann, representing self; Lyle Tuttle, representing self; Paul Knutson, representing self; Michael Garnica, representing self; Alan and Marsha Anderson, representing self; George Bauernschmidt, representing self; Chris Byers, representing self; Paul Nicholls, representing self; Joe Dawson, representing self; Paul Klein, representing self; Dominick Leo, representing self; Robert Drayton, representing self; james delton, representing self; Jeff Hickman, representing self; Michael Kriegel, representing self; Dallin Kanaga, representing self; Larry Timmerman, representing self; Kevin DeNomie, representing self; Gerald Aronica, representing self; Norman Nipperus, representing self; L G Mace, representing self; Glen Dudley, representing self; Edward Surowiec, representing self; Kelley Brown, representing self; James Warniers, representing self; Bob Morken, representing self; David Schafranka, representing self; Walter Graham, representing self; Dennis Hall, representing self; michael wilkins, representing self; Gary Johnson, representing self; Scott Shelor, representing self; Russ Hinis, representing self; Steve Sorgnit, representing self; Terry Ristig, representing self; William Moe, representing self; A. J. Urso, representing self; John Fischer, representing self; Lawrence Wangler, representing self; Rick King, representing self; Russ Southern, representing self; Peter Alford, representing self; Alan Steiner, representing self; Jonathan Massey, representing self; Peter Gromada, representing self; Ken Feldman, representing self; Michael Schmitz, representing self; Isaac Hung, representing self; Robert

McFarlane Jr., representing self; Daniel Cassidy, representing self; Tom Thomas, representing self; David Steven, representing self; Tim Lank, representing self; Nan Nicoll, representing self; Michael Mowrey, representing self; ROBERT DEWITZ, representing self; Albert Turk, representing self; Bernard Hopf, representing self; Chris Michels, representing self; Michael Kinatader, representing self; J.R. Morris, representing self; Sandra Thoms, representing self; Kenneth Marshall, representing self; Roy Potter, representing self; Richard Davis, representing self; Gary Metivier, representing self; Susan Hicks, representing self; John Burton, representing self; Samuel Grant, representing self; Randal Scott, representing self; Heidi Dillman, representing self; Mark Mullins, representing self; Craig Wisnom, representing self; Daniel Reid, National Rifle Association; Alexander Pope, representing self; Ronald Kopf, representing self; David Riley, representing self; Frank Carroll, representing self; Joanne Carroll, representing self; Matthew Petersen, representing self; Gary Christensen, AZ State Rifle & Pistol Assoc, AZ STATE RIFLE & PISTOL ASSN; Charles Wood, representing self; Mark Lunario, representing self

All Comments:

William Simotti, Self: Remove outdated reference Do not accept hostile amendments.; Thomas Woodrow, Self: This bill corrects a technical definition. Please pass without any hostile amendments.; Frederick Dahnke, Self: Do not accept hostile amendments.; Todd Rathner, Arizona State Rifle And Pistol Association: This bill is needed to bring Arizona statute in line with federal law.; Michael Malo, Self: Self; Matt Nelson, Self: Please vote yes to remove outdated language.; GEORGE MARSHALL, Self: Do Not Accept Hostile Amendments.; JUDITH MARSHALL, Self: Do Not Accept Hostile Amendments; Cosme Borunda, Self: Do not accept hostile amendments!; Andrew Cyr, Self: Please vote for this and remove this outdated reference to the U.S. Department of the Treasury when referencing the National Firearms Act in regards to the definition of prohibited weapons. Thank you; Michael Berryman, Self: Please support this bill.; todd hills, Self: i urge the committee to pass this bill to delete any outdated references to the US Treasury dept as it relates to prohibited weapons. thank you.; Philip Cirelli, Self: Makes sense; Carlton Baxter, Self: Do not accept hostile amendments; Jim Dutton, Self: Please support this bill.; Richard Hofelich, Self: Do not accept hostile amendments; Maurice Horner, Self: Do not accept hostile amendments.; Thomas Boza, Self: "Do not accept hostile amendments."; Todd Chesney, Self: Do not accept hostile amendments.; Craig Corbin, Self: Please Support!; Jere Fredenburgh, Self: Quick logical fix. thank you.; Dirk Patton, Self: Do not accept hostile amendments; David West, Self: Do not accept hostile amendments!; steve beckman, Self: "Do not accept hostile amendments."; David Shreeve, Self: Do not accept hostile amendments; Scott Lolmaugh, Self: Please support this bill and do not accept hostile amendments.; Robert Carbonneau, Self: Do not accept hostile amendments.; John Semon, Self: "Do not accept hostile amendments."; Mike Sullivan, Self: Do not accept hostile amendments.; J.P. Thom-Gronachan, Self: Do not accept hostile amendments.; Robert Anderson, Self: Do not accept hostile amendments.; Drake Mitchell, AZ CITIZENS DEFENSE LEAGUE INC: Don't amend the bill. It is well worded and works as is. Do not add amendments tat are hostile to the intent of the bill. Great bill! it actually clarity's the law.; Shawn T Waldmann, Self: No hostile admendments!; Paul Knutson, Self: Do not accept hostile amendments; Michael Garnica, Self: Do not accept hostile amendments!; Alan and Marsha Anderson, Self: Do not accept hostile amendments; George Bauernschmidt, Self: Please reject any hostile amendments.; Chris Byers, Self: Do not Accept Hostile amendments!; Paul Nicholls, Self: Do not accept hostile amendments.; Joe Dawson, Self: Do not accept hostile amendments.; Paul Klein, Self: Do not accept hostile amendments.; Dominick Leo, Self: please to not allow hostile amendments. thank you; Robert Drayton, Self: We urge the committee to pass this bill; james delton, Self: Do not accept hostile amendments; Dallin Kanaga, Self: Do not accept hostile amendments; Larry Timmerman, Self: Do not accept hostile amendments; Norman Nipperus, Self: Do not accept hostile amendments. I support AZ Citizens Defense League.; L G Mace, Self: Good the way it is written. Do not accept hostile amendments.; Edward Surowiec, Self: Do not accept hostile amendments.; Kelley Brown, Self: Do not accept hostile amendments.; James Warniers, Self: I urge support of this bill.; Bob Morken, Self: Please do not accept hostile amendments.; David Schafranka, Self: Do not accept hostile amendments.; Walter Graham, Self: Do

not accept hostile amendments; Dennis Hall, Self: Please do not accept any hostile amendments.; Gary Johnson, Self: Do not accept hostile amendments.; Scott Shelor, Self: "Do not accept hostile amendments; Russ Hinis, Self: Do not accept hostile amendments; Steve Sorgnit, Self: Do not accept hostile amendments; Terry Ristig, Self: Do not accept hostile amendments.; William Moe, Self: Please do not accept hostile amendments.; A. J. Urso, Self: Please accept my support of this bill and my request that no hostile amendments be added.; John Fischer, Self: "Do not accept hostile amendments."; Lawrence Wangler, Self: Do not accept hostile amendments; Russ Southern, Self: Provides clarity. Please do not accept any hostile amendments.; Peter Alford, Self: Don not accept hostile amendments.; Alan Steiner, Self: Do not accept hostile amendments; Jonathan Massey, Self: Do not accept hostile amendments.; Peter Gromada, Self: Do not accept hostile amendments; Ken Feldman, Self: do not accept hostile amendments; Isaac Hung, Self: Do not accept hostile amendments.; Tom Thomas, Self: please dont accept any hostile ammendments; David Steven, Self: Do not accept any amendments.; Tim Lank, Self: Do not accept hostile amendments; Nan Nicoll, Self: This will prevent forthcoming legislation targeting gun owners. Please do not accept hostile amendments.; Michael Mowrey, Self: Do not accept hostile amendments.; ROBERT DEWITZ, Self: do not accept hostile amendments.; Bernard Hopf, Self: Accept NO hostile amendments!; Chris Michels, Self: Do not accept hostile amendments. Needed as is to be clear and accurately reflect current federal law.; Michael Kinatader, Self: Do not accept hostile amendments.; J.R. Morris, Self: Strongly encourage to pass this with no hostile amendments.; Sandra Thoms, Self: Do not accept hostile amendments.; Roy Potter, Self: Do not accept hostile amendments!; Richard Davis, Self: Please pass this bill without hostile amendments!; Samuel Grant, Self: Do not accept hostile amendments.; Randal Scott, Self: Don't accept hostile amendments; Craig Wisnom, Self: This simply makes clear you don't violate a state statute if you have your properly licensed NFA weapon under Federal law.; David Riley, Self: Do not accept hostile amendments.; Frank Carroll, Self: Do Not accept hostile amendments.; Joanne Carroll, Self: Do Not accept hostile amendments.; Matthew Petersen, Self: Please support this bill and do not accept hostile amendments.; Gary Christensen, AZ STATE RIFLE & PISTOL ASSN: We support this technical language clean-up and clarification to statutes.; Mark Lunario, Self: do not accept hostile amendments

HB2183, inmate body scans; contraband

Testified in support:

Megan Kintner, AZ ASSOCIATION OF COUNTIES; India Davis , representing self

Support:

kathleen mayer, Pima County Attorney's Office; Miryam Gutier-Elm, Maricopa County Sheriff's Office; Kelly Clark, representing self; Chris Nanos , representing self; Darin Stephens, representing self

Neutral:

Donna Hamm, Executive Director, Middle Ground - Registered Lobbyist; Art Harding, AZ DEPT OF CORRECTIONS

All Comments:

Kelly Clark, Self: Navajo County Sheriff Supports; Chris Nanos , Self: Pima County Sheriff; India Davis , Self: Pima County Sheriff's Office; Darin Stephens, Self: Pima County Sheriff

HB2383, supreme court; reports; website posting

Testified in support:

Rebecca Baker, Maricopa County Attorney's Office

Support:

kathleen mayer, Pima County Attorney's Office; John Thomas, AZ ASSOCIATION OF CHIEFS OF POLICE; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; Will Munsil, Maricopa County Attorney's Office

Oppose:

John Moody, Arizona Newspapers Association (ANA); John Moody, Arizona Broadcasters Association; Paula Casey, Arizona Newspapers Association (ANA); Scott Smith, KPNX Broadcasting Company, Phoenix Newspapers Inc.

All Comments:

kathleen mayer, Pima County Attorney's Office: in support of the strike everything amendment; John Moody, Arizona Newspapers Association (ANA): The Arizona Newspapers Association is opposed to the strike-everything amendment to HB2383 at this time; however, we look forward to meeting and hopefully working with bill sponsor and proponents to address our concerns.; John Moody, Arizona Broadcasters Association: The Arizona Broadcasters Association is opposed to the strike-everything amendment to HB2383 at this time; however, we look forward to meeting and hopefully working with bill sponsor and proponents to address our concerns.; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL: APAAC is in support of the strike everything amendment.; Scott Smith, KPNX Broadcasting Company, Phoenix Newspapers Inc.: PNI and KPNX oppose the S/E amendment in its current form but look forward to working with the stakeholders to discuss our concerns.



HOUSE OF REPRESENTATIVES

HB 2030

liquor premises; firearms; retired officers
Prime Sponsor: Representative Borrelli, LD 5

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2030 clarifies that an honorably retired law enforcement officer who meets specific criteria may possess a firearm while in a licensed establishment that sells, serves or furnishes liquor.

PROVISIONS

1. Permits an honorably retired law enforcement officer who has been issued a certificate of firearms proficiency by the Department of Public Safety (DPS) to carry a weapon on the licensed premises of an *on-sale retailer*.
2. Narrows the violation for a licensee or employee who knowingly allows a person to remain on the licensed premises of an *on-sale retailer* while carrying a firearm to exclude any person who is an honorably retired law enforcement officer. Maintains the prohibition on consuming alcohol while carrying a firearm.
3. Makes technical changes.

CURRENT LAW

A.R.S. § 4-244 outlines unlawful acts in regards to the purchase, consumption, or sale of alcoholic beverages. Paragraph 29 makes it unlawful to possess a firearm while on a licensed premise of an on-sale retailer unless one of the following exceptions applies:

- 1) The person is a peace officer;
- 2) The person is a volunteer member of a sheriff's posse;
- 3) It is an hotel or motel guest room accommodation;
- 4) There is an exhibition of display of firearms in conjunction with a meeting, class, event or show;
- 5) The person has a permit to carry a concealed handgun on the licensed premises of any on-sale retailer.

A.R.S. § 4-244, paragraph 30 makes it unlawful for a licensee or person to knowingly permit a person with a firearm to remain on premises or to serve, sell or furnish liquor to the person in possession of a firearm. Violations under both paragraph 29 and paragraph 30 are Class 2 misdemeanors (up to 4 months in jail/fine up to \$750 plus surcharges).

A.R.S. § 4-244, paragraph 31 makes it unlawful for a person in possession of a firearm to consume liquor while on the licensed premises of an on-sale retailer. The only exception provided is if an undercover peace officer consumes small amounts of liquor while on

ARIZONA HOUSE OF REPRESENTATIVES
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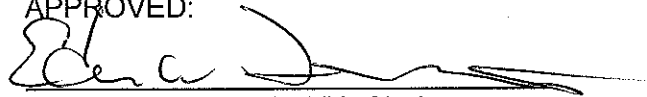
ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2030

DATE February 3, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Frieze				1	
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		4	1	1	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

HB 2154

failure to appear; arrest; fingerprinting
Prime Sponsor: Representative Borrelli, LD 5

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2154 outlines which criminal justice agencies are responsible for taking a person's 10-print fingerprints and submitting them to Central State Repository (Repository) of criminal history records.

PROVISIONS

1. Designates the following agencies as responsible for taking 10-print fingerprints for submittal to the Repository:
 - a. The booking agency in the case of an arrest;
 - b. The county sheriff in the case of an indictment or complaint;
 - c. The arresting agency for a misdemeanor that results in a citation and the release of the defendant.
2. Requires agencies to obtain a process control number and provide proof of fingerprinting to the person, including notice that the document must be presented in court.
3. Consolidates A.R.S. § 13-3904 (violation of promise to appear) and A.R.S. § 13-2506 (failure to appear in the second degree) into one section (both now under A.R.S. § 13-2506). Does not make any substantive changes to either offense.
4. Defines *booking agency*.
5. Makes clarifying, technical and conforming changes.

CURRENT LAW

A.R.S. § 41-1750 charges the Arizona Department of Public Safety (DPS) with the effective operation of the Repository in order to collect, store and disseminate complete and accurate Arizona criminal history records. DPS must collect, and Arizona criminal justice agencies are required to provide, specific information for all persons who have been charged with, arrested for, convicted of or summoned to court for a:

- Felony offense,
- Offense involving domestic violence (A.R.S. § 13-3601),
- Sexual offense under A.R.S. Title 13, Ch. 14, or
- DUI offense under A.R.S. Title 28, Ch. 4.

The information that must be provided to DPS includes:

- Complete personal identification,

HB 2154

- Fingerprints,
- Charges,
- Process control numbers,
- Dispositions.

Prior to release, a person arrested for a misdemeanor or petty offense must provide the agency that arrested the person (arresting agency) with either one or two fingerprints. The agency provides the person with a mandatory fingerprint compliance form, which includes instructions for providing a 10-print fingerprints (A.R.S. § 13-3903).

The criminal code includes two statutes that address the failure of a person to appear for offenses that are not felonies. A.R.S. § 13-2506 designates knowingly failing to appear in connection with any misdemeanor or petty offense as a Class 1 misdemeanor (up to 6 months in jail/fine of up to \$2,500 plus surcharges). A.R.S. § 13-3904 makes the knowing violation of a written promise to appear a Class 2 misdemeanor (up to 4 months in jail/fine of up to \$750 plus surcharges).

ADDITIONAL INFORMATION

The DPS Records and Information Bureau oversees the Repository and the Arizona Automated Fingerprint Identification System (AZAFIS). Agencies transmit information to and access information in AZAFIS through a variety of digital options. More information on the process and equipment utilized can be found here.

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2154
(Reference to printed bill)

- 1 Page 2, line 21, after "2" insert "AND ISSUE A WARRANT FOR THE DEFENDANT'S ARREST"
- 2 Page 10, line 32, after the period, insert "FOR THE PURPOSE OF THIS SUBSECTION
- 3 "SUMMONED" INCLUDES A WRITTEN PROMISE TO APPEAR BY THE DEFENDANT ON A UNIFORM
- 4 TRAFFIC TICKET AND COMPLAINT."
- 5 Line 34, after the first "SECTION" strike remainder of line
- 6 Line 35, strike "13-3903, SUBSECTION C" insert "BY A CITY OR TOWN LAW
- 7 ENFORCEMENT AGENCY"
- 8 Page 14, after line 27, insert:
- 9 "Sec. 5. Effective date
- 10 This act is effective from and after December 31, 2016."
- 11 Amend title to conform

EDDIE FARNSWORTH

2154FARNSWORTH E2
02/01/2016
09:58 AM
H: KP/MA/rca

Attachment 6

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials JP

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2154

DATE February 3, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

HB 2183

inmate body scans; contraband

Prime Sponsor: Representative Shope, LD 8

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2183 allows correctional facilities and county jails to conduct low-dose ionizing radiation body scans of inmates.

PROVISIONS

1. Permits the Department of Corrections (ADC) or a county jail to perform a low-dose ionizing radiation body scan of an inmate to prevent contraband from entering into a correctional facility. An order from a licensed practitioner is not required.
2. Exempts employees or persons acting on behalf the ADC or a county jail who use a low-dose ionizing radiation body scanning device from the requirement to be a licensed practitioner or a holder of a radiology certificate to use the body scanning device.
3. Allows a county jail to request that a licensed practitioner order an x-ray on an inmate if there is reason to believe that inmate is in possession of contraband.
4. Makes technical, clarifying and conforming changes.

CURRENT LAW

A.R.S § 13-2505(E) allows ADC to request that a licensed practitioner order an x-ray if there is reason to believe that an inmate is in possession of contraband. The penalty for promoting prison contraband is as follows:

- A Class 2 felony for promoting contraband such as deadly weapon, dangerous instrument, explosive, dangerous drug, narcotic drug or marijuana (presumptive 5 years of incarceration);
- A Class 5 felony for all other cases promoting prison contraband (presumptive 1 ½ years of incarceration).

A.R.S § 13-2501 defines *contraband* as any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive, wireless communication device, multimedia storage device or other article whose use or possession would endanger the safety, security, or preservation of order in a correctional facility, or a juvenile secure care facility, or of any person within a correction facility or juvenile secure care facility. This section also provides a definition of a *correctional facility*.

HB 2183

A.R.S. § 32-2811 requires a person to either be a *licensed practitioner* or a holder of a radiology certificate issued by the Medical Radiologic Board of Examiners to use ionizing radiation on a person and includes specific exemptions. A.R.S. § 32-2801 defines a *licensed practitioner* as a person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, podiatry, chiropractic or naturopathic medicine in Arizona.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2183

DATE February 3, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

HB 2383

supreme court; reports; website posting

Prime Sponsor: Representative Farnsworth E, LD 12

X Committee on Judiciary

Caucus and COW

House Engrossed

STRIKE EVERYTHING SUMMARY

The strike-everything amendment prohibits the disclosure of certain records related to victims and witnesses.

PROVISIONS

1. Prohibits the disclosure of any record related to a criminal investigation or prosecution that visually depicts an image of a minor witness or a victim unless a superior court judge determines the public's interest in disclosure outweighs the person's right to privacy.
 - a. Applies to records created, received by or in the possession of law enforcement or prosecution agencies.
 - b. The determination is made by the judge through an in-camera review.
 - c. A person must file a petition for an in-camera review and disclosure in the superior court in the county where the public body is located pursuant to court rule.
 - d. In any action, the presumption is against disclosure.
2. Permits a minor witness or a victim to examine and obtain any materials visually depicting the person's image and refers to the existing statutory process for seeking disclosure.
3. Grants a victim whose image is depicted in a record the right to be present and be heard in any disclosure action.
4. Prohibits the disclosure of a witness's personal identifying information unless:
 - a. The witness consents in writing; or
 - b. A court orders the disclosure.
5. Exempts officers and public bodies from having to pay attorney fees or legal costs when the other party prevails in a public records special action if the officer or public body reasonably relied on any of the following as the basis for denying access:
 - a. A judgment or order of any court;
 - b. A statute;
 - c. A published opinion of a state appellate court; or
 - d. A written opinion or letter from the Attorney General.
6. Clarifies that the disclosure process outlined in the bill does not affect any discovery or the conduct of trials.
7. Defines *personal identifying information*.

CURRENT LAW

A.R.S. § 39-121 requires public records to be made available for inspection to any person during office hours. A.R.S. § 39-121 requires all officers and public bodies to maintain all records that are reasonably necessary or appropriate to keep an accurate knowledge of their official activities and of any activities supported by monies of the state or a political subdivision. The statute states that public bodies and officers are responsible for preservation, maintenance and care of their public records. Any person may request to view or receive copies of any public record. A.R.S. § 39-121.02 provides a process for a person whose request is denied to seek relief through a special action to the superior court. If the person substantially prevails in the action, the withholding entity may be required to pay the prevailing party's attorney fees and legal costs. Any person who is wrongfully denied access to public records has a cause of action against the entity that withheld the records for any damages that resulted from the denial.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2383
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 39-121.02, Arizona Revised Statutes, is amended to
3 read:

4 39-121.02. Action on denial of access; costs and attorney fees;
5 damages

6 A. Any person who has requested to examine or copy public records
7 pursuant to this article, and who has been denied access to or the right to
8 copy such records, may appeal the denial through a special action in the
9 superior court, pursuant to the rules of procedure for special actions
10 against the officer or public body.

11 B. The court may award attorney fees and other legal costs that are
12 reasonably incurred in any action under this article if the person seeking
13 public records has substantially prevailed. ~~Nothing in~~ This subsection shall
14 DOES NOT limit the rights of any party to recover attorney fees, expenses and
15 double damages pursuant to section 12-349. THIS SUBSECTION DOES NOT APPLY IF
16 THE OFFICER OR PUBLIC BODY THAT DENIED ACCESS TO OR THE RIGHT TO COPY PUBLIC
17 RECORDS REASONABLY RELIED FOR THE BASIS OF THE DENIAL ON ANY OF THE
18 FOLLOWING:

19 1. A JUDGMENT OR ORDER OF ANY COURT APPLICABLE TO THE OFFICER OR
20 PUBLIC BODY.

21 2. A STATUTE.

22 3. A PUBLISHED OPINION OF AN APPELLATE COURT OF THIS STATE.

23 4. A WRITTEN OPINION OR LETTER OF THE ATTORNEY GENERAL.

Attachment 11

Adopted <input checked="" type="checkbox"/>	# of Verbals <u> </u>
Failed <u> </u>	Withdrawn <u> </u>
Not Offered <u> </u>	Analysts Initials <u>XP</u>

1 C. Any person who is wrongfully denied access to public records
2 pursuant to this article has a cause of action against the officer or public
3 body for any damages resulting from the denial.

4 Sec. 2. Title 39, chapter 1, article 2, Arizona Revised Statutes, is
5 amended by adding sections 39-121.04 and 39-123.01, to read:

6 39-121.04. Public access to law enforcement records depicting
7 certain witnesses or crime victims; restriction;
8 petition for disclosure

9 A. ANY RECORD CREATED OR RECEIVED BY OR IN THE POSSESSION OF A LAW
10 ENFORCEMENT OR PROSECUTION AGENCY THAT RELATES TO A CRIMINAL INVESTIGATION OR
11 PROSECUTION AND THAT VISUALLY DEPICTS THE IMAGE OF A WITNESS UNDER EIGHTEEN
12 YEARS OF AGE OR A VICTIM AS DEFINED IN SECTION 13-4401 MAY NOT BE DISCLOSED
13 UNLESS A JUDGE OF THE SUPERIOR COURT DETERMINES THE PUBLIC'S INTEREST IN
14 DISCLOSURE OUTWEIGHS THE WITNESS'S OR VICTIM'S RIGHT TO PRIVACY AND ORDERS
15 DISCLOSURE OF ALL OR PART OF THE RECORD AFTER AN IN CAMERA REVIEW. ANY
16 PERSON THAT SEEKS DISCLOSURE OF ALL OR PART OF A RECORD DESCRIBED IN THIS
17 SUBSECTION SHALL FILE A PETITION FOR AN IN CAMERA REVIEW AND DISCLOSURE IN
18 THE SUPERIOR COURT IN THE COUNTY WHERE THE PUBLIC BODY IS LOCATED PURSUANT TO
19 THE RULES OF PROCEDURE FOR SPECIAL ACTIONS AGAINST THE OFFICER OR PUBLIC
20 BODY. IN ANY SPECIAL ACTION PURSUANT TO THIS SUBSECTION, THE PRESUMPTION
21 SHALL BE AGAINST DISCLOSURE.

22 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A PERSON WHOSE IMAGE
23 IS DEPICTED IN A RECORD DESCRIBED IN SUBSECTION A OF THIS SECTION MAY EXAMINE
24 AND OBTAIN ANY MATERIALS DESCRIBED IN SUBSECTION A OF THIS SECTION PURSUANT
25 TO SECTION 39-121.01.

26 C. THIS SECTION DOES NOT AFFECT ANY PROVISION OF LAW THAT GOVERNS THE
27 DISCOVERY PROCESS OR THE CONDUCT OF TRIALS.

28 D. A VICTIM WHOSE IMAGE IS DEPICTED IN A RECORD DESCRIBED IN
29 SUBSECTION A OF THIS SECTION HAS THE RIGHT TO BE PRESENT AT AND TO BE HEARD
30 IN ANY ACTION BROUGHT PURSUANT TO SUBSECTION A OF THIS SECTION.

House Amendments to H.B. 2383

1 39-123.01. Personal identifying information of crime witnesses:

2 confidentiality; definition

3 A. THE PERSONAL IDENTIFYING INFORMATION OF A WITNESS TO A CRIME MAY
4 NOT BE DISCLOSED BY A PUBLIC BODY UNLESS EITHER OF THE FOLLOWING APPLIES:

5 1. THE WITNESS CONSENTS IN WRITING TO THE DISCLOSURE.

6 2. A COURT OF COMPETENT JURISDICTION ORDERS THE DISCLOSURE.

7 B. THIS SECTION DOES NOT AFFECT ANY PROVISION OF LAW THAT GOVERNS THE
8 DISCOVERY PROCESS OR THE CONDUCT OF TRIALS.

9 C. FOR THE PURPOSES OF THIS SECTION, "PERSONAL IDENTIFYING
10 INFORMATION" INCLUDES A WITNESS'S DATE OF BIRTH, SOCIAL SECURITY NUMBER,
11 PERSONAL TELEPHONE NUMBER, HOME ADDRESS, PERSONAL E-MAIL ADDRESS AND OFFICIAL
12 STATE OR GOVERNMENT-ISSUED DRIVER LICENSE OR IDENTIFICATION NUMBER."

13 Amend title to conform

EDDIE FARNSWORTH

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C: AT

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

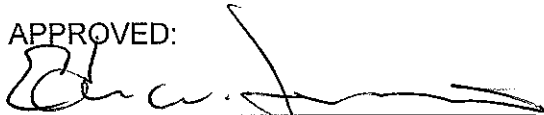
ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2383

DATE February 3, 2016 MOTION: pass

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 12



HOUSE OF REPRESENTATIVES

HB 2419

stalking; offense; definitions

Prime Sponsor: Representative Farnsworth E, LD 12

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2419 modifies the criminal offense of stalking.

PROVISIONS

1. Defines the offense of stalking as intentionally or knowingly engaging in conduct that causes a victim to:
 - a. Suffer emotional distress or reasonably fear:
 - i. That the victim's property will be damaged/destroyed
 - ii. Physical injury to:
 - The victim,
 - A family member, domestic animal or livestock of the victim,
 - A person that the victim has or had a romantic or sexual relationship with.
 - A person who regularly resides in the victim's household or who resided there within the last six months.
 - b. Reasonably fear the death of:
 - The victim,
 - A family member, domestic animal or livestock of the victim,
 - A person that the victim has or had a romantic or sexual relationship with.
 - A person who regularly resides in the victim's household or who resided there within the last six months.
2. Classifies stalking as follows:
 - a. If the conduct caused emotional distress or fear, it is a Class 5 felony (presumptive 1 ½ years of incarceration).
 - b. If the conduct caused reasonable fear of death, it is a Class 3 felony (presumptive 3 ½ years of incarceration).
3. Expands the definition of *course of conduct* by including engaging in any of the outlined acts either directly or indirectly, in person or through one or more third persons, or by any other means. Requires the act to occur on more than one occasion (currently only certain acts require multiple occasions). Adds a new element covering electronic communications.
4. Defines *emotional distress*.
5. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 13-2923 outlines the offense of stalking, which is a Class 5 or Class 3 felony depending on the specific actions. A person commits stalking if intentionally or knowingly engaging in a course of conduct directed towards another person that either:

- Would cause a reasonable person to fear for the person's safety or the safety of the person's immediate family, and the person has that fear (Class 5 felony);
- Would cause a reasonable person to fear death or fear the death of the person's immediate family, and the person has that fear (Class 3 felony).

Course of conduct is defined as:

- Maintaining visual or physical proximity to a specific person or directing verbal, written or other threats (express or implied) to a specific person on two or more occasions.
- Using electronic, digital or global positioning system devices to surveil a person or a person's internet or wireless activity for either 12 or more hours or on two or more occasions, without authorization.

Immediate family member is defined as a spouse, parent, child or sibling or any other person who regularly resides in a person's household or did reside in the person's household within the past six months.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2419

(Reference to printed bill)

- 1 Page 1, line 39, strike "ON MORE THAN ONE OCCASION"
- 2 Line 42, strike "~~on two or more occasions~~" insert "on two or more occasions"
- 3 Page 2, line 6, after "PURPOSE" insert "ON MORE THAN ONE OCCASION"
- 4 Amend title to conform

EDDIE FARNSWORTH

2419FARNSWORTH E
02/02/2016
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C: SP

Attachment 14

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials <u>KP</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2419

DATE February 3, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			0
Mr. Hale		✓			0
Mr. Kern		✓			0
Mr. Mesnard		✓			0
Mr. Borrelli, Vice-Chairman		✓			0
Mr. Farnsworth E, Chairman		✓			0
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 15

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON JUDICIARY

CHAIRMAN: Edwin W. Farnsworth VICE-CHAIRMAN: Sonny Borrelli

DATE	1/20/16	1/27/16	2/3/16	1/16	1/16
CONVENED	10:06 ^{am}	10:02 ^{am}	10:10 ^{am}	m	m
RECESSED					
RECONVENED					
ADJOURNED	10:53 ^{am}	10:36 ^{am}	10:54 ^{am}		
MEMBERS					
Mr. Frieze	✓	✓	✓		
Mr. Hale	✓	✓	✓		
Mr. Kern	✓	✓	✓		
Mr. Mesnard	✓	✓	✓		
Mr. Borrelli, Vice-Chairman	✓	✓	✓		
Mr. Farnsworth E, Chairman	✓	✓	✓		

✓ Present --- Absent exc Excused